

Economic Impact Statement

LSA Document #17-564

[IC 4-22-2.1-5](#) Statement Concerning Rules Affecting Small Businesses**Description of the Rule**

The rule establishes the pilot hyperbaric oxygen treatment (HBOT) program set out in HEA 1001 from the 2017 General Assembly session now codified at [IC 10-17-13.5](#). The program is to assist providers approved by the Indiana State Department of Health (ISDH) to provide diagnostic testing and hyperbaric oxygen treatment to veterans suffering from traumatic brain injury (TBI) and posttraumatic stress disorder (PTSD).

Economic Impact on Small Businesses**1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

Since the pilot program is voluntary and since only a maximum of five providers will be approved by the ISDH to provide diagnostic testing and hyperbaric oxygen treatment for veterans, the number of businesses subject to the rule will be limited to up to five providers of diagnostic testing and hyperbaric oxygen therapy. The provider has not been selected so it is not known if this rule will affect a small business.

2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

It is unknown whether the approved ISDH providers of services under the pilot program will be a small business or not. The approved providers, however large or small, will be required to comply with fire codes and treatment protocols, and submit treatment plans for eligible individual veterans, which will require some annual reporting, record keeping, and administrative costs. It would be expected that the approved providers will have factored these items into its response to the Request for Proposals (RFP) that the ISDH will issue. Thus, the approved providers will have made the business decision that these costs are worth incurring in order to be ISDH-approved.

3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.

Only a maximum of five businesses (large or small) will be affected by the economic impact of the rule. At this point, the number of businesses that will be affected is undetermined since these rules must first be in place before the ISDH can issue an RFP and through it, select providers of the diagnostic testing and HBOT services. At this time, it is impossible to estimate the total annual economic impact on the ISDH-approved providers. As stated above, it is expected that the approved providers will have made the business decision that these costs are worth incurring in order to be ISDH-approved.

4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law.

There are no requirements or costs imposed on small businesses by the rule other than those set out in the statute.

5. Regulatory Flexibility Analysis

Other factors considered:

A. Establishment of less stringent compliance or reporting requirements for small businesses.

The rule repeats the requirements of the statute.

B. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

The rule repeats the requirements of the statute.

C. Consolidation or simplification of compliance or reporting requirements for small businesses.

The rule repeats the requirements of the statute.

D. Establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.

The rule repeats the requirements of the statute.

E. Exemption of small businesses from part or all of the requirements or costs imposed by the rule.

The rule repeats the requirements of the statute.

Conclusion

Any economic impact is minimal, and whatever impact there is imposed by the statute, not the rule. Further, the ISDH-approved providers will have made the business decision that the economic impact is worth incurring in order to be the ISDH-approved providers of testing and services under this pilot program.

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